



*Prisons*, 243 F.3d 629, 632 (2d Cir. 2001). Only then can the Court consider the other factors appropriate to the determination of whether counsel should be appointed: “the [petitioner’s] ability to investigate the crucial facts, . . . , the [petitioner’s] ability to present the case, the complexity of the legal issues and any special reason in that case why appointment of counsel would be more likely to lead to a just determination.” *Johnston*, 606 F.3d at 42 (citing *Hodge v. Police Officers*, 802 F.2d 58, 60-61 (2d Cir. 1986)).

At this point in the proceedings, the Court denies Fredricks’ request for the appointment of counsel without prejudice to renewal because the Court cannot conclude based on the current record that his claims are substantial or that he is likely to succeed on the merits. The reason that Fredricks identifies for his request for counsel – that he needs help dealing with private information that will be necessary to include in any summary judgment motion practice – does not justify the appointment of counsel. Fredricks should do his best in responding to defendants’ motion papers after he has received them. If he needs assistance, Fredricks should work with the Pro Se Office of the Court or seek to obtain private counsel. The Pro Se Office may be contacted at: Pro Se Office, United States District Court, S.D.N.Y., 500 Pearl Street, New York, N.Y. 10007, (212) 805-0175.

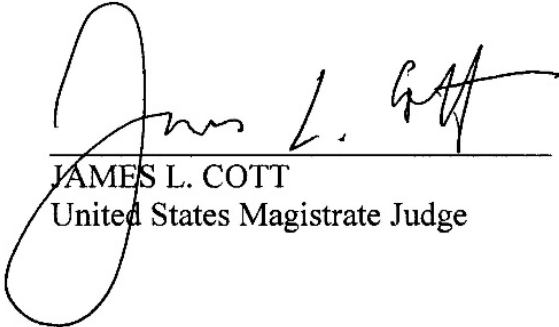
Fredricks may also seek assistance by contacting the New York Legal Assistance Group’s (NYLAG) Legal Clinic for Pro Se Litigants in the Southern District of New York, a free legal clinic for those who have brought suit in this

Court. Plaintiff can make an appointment through NYLAG's website (<https://nylag.org/pro-se-clinic/>), or by calling (212) 659-6190.

Finally, if the parties wish to participate in a settlement conference prior to filing any motions for summary judgment, they should so advise the Court by letter within one week after the close of discovery. The Clerk is respectfully directed to close docket entry number 76 and mark it as denied without prejudice.

**SO ORDERED.**

Dated: New York, New York  
September 27, 2021



JAMES L. COTT  
United States Magistrate Judge

**A copy of this Order has been mailed to the following:**

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